

The Labor & Employment Law Section of the State Bar of California presents

The 11th Annual
**Public Sector
Labor & Employment
Conference**

Friday, April 8, 2005

Sacramento Convention Center

1400 J Street
Sacramento, CA 95814
916.808.5291

ONLINE REGISTRATION AVAILABLE AT www.calbar.ca.gov/laborlaw



5 hours
MCLE General Credit

1.25 hours
Substance Abuse

Public Sector Program – April 8, 2005

Registration (8:00am - 8:45am)

Introduction/Welcome (8:45am - 9:00am)

Speakers:

- Toni Jaramilla, Section Chair
- Bruce Barsook, Program Chair

Plenary Session (9:00am - 10:30am)

Program: What's New? Update on the Developing Public Sector Labor & Employment Law

An overview of recent case law, new legislation and significant changes in California's administrative agencies.

Moderator:

- David Duchrow, State Bar Executive Committee

Speakers:

- David de Rubertis, Law Offices of David de Rubertis (Case Law)
- Rosalind Wolf, California Teachers Association (Administrative Agency practice)
- Richard Whitmore, Liebert Cassidy Whitmore (Legislation)

Concurrent Sessions (10:45am - 12:15pm)

Program 1: Poking Around: Current Issues in Workplace Privacy

A lively discussion of privacy law in the California workplace, emphasizing individual rights and collective bargaining, constitutional issues, medical records, genetic testing, internet free speech, the California Public Records Act and the Freedom of Information Act.

Moderator:

- Marilyn Mika Spencer, State Bar Executive Committee

Speakers:

- Cynthia L. Kosiak, Law Offices of Marilyn Mika Spencer
- Vicki A. Laden, Supervising City Attorney, Office of the City Attorney, City of Oakland
- Lee Tien, Senior Staff Attorney, Electronic Frontier Foundation
- Joseph T. (Terry) Francke, California First Amendment Coalition

Program 2:

Negotiations—Another Year of Uncertainty & Doubt?

Negotiations this year will again be a challenge. While wages are seemingly always the issue, other issues, such as insurance, retirement, and workload, have recently become almost as important. Our panel of experienced negotiators will examine not only why these issues are so important but also what creative steps parties have used to resolve these issues. We'll also explore the extent of the scope of bargaining—why it remains a subject of dispute and how it may impact what public agencies can do in response to these challenging times.

Moderator:

- Bruce Barsook, State Bar Executive Committee

Speakers:

- Joan Bryant, Local 39, Stationary Engineers (labor)
- Charles Sakai, Renne Sloan Holtzman & Sakai (management)

Program 3:

Contracting Out Services—From Virtual Warfare to Agreement in Two and One-Half Years

The participants present a real contracting out case involving the City of Stockton's water utility. Mr. Kay represented the City of Stockton, Mr. Gauger represented Operating Engineers Local No. 3 and Arbitrator Gerald McKay heard two grievances and helped the parties resolve their dispute. Learn from these litigants what legal, economic and political issues parties will face when confronting the issue of contracting out for services, and how such issues can be resolved without the need for virtual warfare.

Moderator:

- Gerald McKay (Arbitrator)

Speakers:

- William F. Kay, Kay & Stevens (management)
- Matthew J. Gauger, Weinberg, Roger & Rosenfeld (labor)

Luncheon Speaker (12:30pm - 1:45pm)

Speaker:

Dan Weinbraub, Columnist, Sacramento Bee

Dan is a well-respected commentator on Sacramento politics and should be able to provide us with an entertaining but insightful view of the hot political issues facing California this year.

Plenary Session (2:00pm - 3:15pm)

Program: **Substance Abuse and the Labor Relations Professional**
Back By Popular Demand! Join psychiatrist Pablo Stewart for an insightful and important overview of substance abuse in the workplace. Dr. Stewart, currently Chief of Psychiatric Services at the Haight Ashbury Free Clinic, Inc., in San Francisco, has over twenty years of experience working with psychiatrically impaired substance abusers, including attorneys and public employees. Dr. Stewart will help you identify, understand and respond to drug abuse situations you may encounter among clients and colleagues.

Moderator:

- Bruce A. Barsook, Liebert Cassidy Whitmore
State Bar Executive Committee

Speaker:

- Pablo Stewart, M.D.

Concurrent Sessions (3:30pm - 5:00pm)

Program 1: **Presenting Your Case to PERB—The Advocates' Perspective**
Seasoned practitioners before the Public Employment Relations Board discuss strategies for most effectively presenting one's case to the agency. The panelists focus separately on each step of the PERB process: filing the charge and the pre-complaint investigation, informal conference, formal administrative hearing and appeal to the Board itself.

Moderator:

- Robert Thompson, State Bar Executive Committee

Speakers:

- Brooke D. Pierman, Weinberg, Roger & Rosenfeld
- Arthur Krantz, Law Offices of Leonard Carder
- Therese Leone, University of California, Office of the General Counsel
- Wendi L. Ross, Labor Relations Counsel, Department of Personnel Administration

Program 2: **Due Process in the Public Sector: Employee and Employer Rights**
Three experienced labor attorneys discuss strategies and current law on employee disciplinary interrogations, pre-disciplinary (Skelly) meetings, name-clearing hearings, employee and workplace searches and seizures, and polygraph, drug and alcohol tests.

Moderator:

- Arnie Braafladt, State Bar Executive Committee

Speakers:

- David J. Duchrow, Law Offices of David J. Duchrow
- Alan Hersh, General Counsel, West Contra Costa Unified School District

Program 3:

Employment Discrimination: Judging the “Judges”

This panel of three distinguished adjudicators will share with you what you can expect if you present your employment discrimination case to them for decision. Arbitrators Norman Brand and Chris Burdick will share with you how they address employment discrimination cases, including how they integrate MOU language with statutory and case law. ALJ JoAnne Frankfurt of the FEHC will reveal how the same issues are addressed by her agency. Each of the panelists will provide some of the “dos and don’ts” in presenting a discrimination case.

Moderator:

- Wendy Rouder, State Bar Executive Committee

Speakers:

- Norm Brand (Arbitrator)
- Chris Burdick (Arbitrator)
- JoAnne Frankfurt (FEHC)



*The State Bar
of California
Labor & Employment
Law Section is a
State Bar of California
approved MCLE provider.*



Sleeping rooms are available at the

Sheraton Grand Hotel

(across the Street from the Convention Center)

Please call

800.325.3535

and identify yourself as being with the Labor Law
Public Sector Conference/State Bar of CA

*Rooms have been reserved for
Thursday, April 7th & Friday, April 8th.*

Room reservation deadline is **March 14, 2005.**

Program Registration Information

DEADLINE: In order to pre-register, mail your form and check, payable to the State Bar of California, or credit card information **MUST BE RECEIVED BY April 1, 2005.**

Online Registration is now available at
www.calbar.ca.gov/laborlaw.

MAIL TO: Program Registrations,
State Bar of California, 180 Howard St.,
San Francisco, CA 94105

FAX TO: Program Registrations at 415.538.2368. In order to fax your registration, credit card information is **MANDATORY.**

CANCELLATIONS/REFUNDS: Cancellations and requests for refunds must be received in writing by April 1, 2005. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

ON-SITE REGISTRATION is limited and subject to availability. Please register in advance.

SPECIAL ASSISTANCE: For special assistance please call 415.538.2590; for TDD speech and hearing impaired, please call 415.538.2231.

QUESTIONS: For registration information please call 415.538.2508. For information regarding the program please call 415.538.2590.

AUDIO CASSETTES will be available for purchase after the program from the Versa-Tape Company by calling 800.468.2737.

REGISTRATION FORM

11th ANNUAL LABOR & EMPLOYMENT PUBLIC SECTOR PROGRAM

Note: One registrant per form. Photocopies may be used.

Name: _____ Bar #: _____

Firm: _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____

Pre-Registration Fees (must be received by April 1, 2005)

- ☐ Labor & Employment Law Section Member\$ 155
- ☐ Non-Section Member\$ 215
Includes enrollment in the Labor & Employment Law Section for 2005
- ☐ Non-attorney labor-relations professional\$ 105
- ☐ Full-time Law Student (attach copy of school ID)\$ 50

On-Site Registration Fees (April 8, 2005)

- ☐ Labor & Employment Law Section Member\$ 190
- ☐ Non-Section Member\$ 250
Includes enrollment in the Labor & Employment Law Section for 2005
- ☐ Non-attorney labor-relations professional\$ 140
- ☐ Full-time Law Student (bring school ID)\$ 50
- ☐ Program Materials Only\$ 115

Amount Enclosed/To Be Charged \$ _____

Credit Card Information (VISA/MASTERCARD ONLY)

I authorize the State Bar of California to charge my program registration to my Visa/MasterCard account. (No other credit card will be accepted.)

Account Number: _____ Exp. Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

* Registration must be received by April 1, 2005.

During Concurrent 10:45 to 12:15 Sessions, please check one preference:

- ☐ Session 1 ☐ Session 2 ☐ Session 3

During Concurrent 3:30 to 5:00 Sessions, please check one preference:

- ☐ Session 1 ☐ Session 2 ☐ Session 3

State Bar Education Foundation
Labor & Employment Section
180 Howard Street
San Francisco, CA 94105

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